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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/040,288	10/25/2001	Robert J. Menendez	7780-T00349	9645
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			EXAMINER	
			THIER, MICHAEL	
			ART UNIT	PAPER NUMBER
			2617	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/040,288

Applicant(s)

MENENDEZ, ROBERT J.

Examiner

MICHAEL T. THIER

Art Unit

2617

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 December 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 42-49 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 42-49 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 12/23/2009 have been fully considered but are moot in view of the new grounds of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 42-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zarlengo et al. (US 2002/0061758) in view of Koenck et al. (US 6006100) in further view of Saunders et al (5,918,172).

Regarding claims 42 and 47. Zarlengo teaches a method of coordinating a plurality of vehicles (title and abstract), comprising:

a private network remote from the vehicles (figure 2 item 54, further par. 31);
providing each service vehicle with a hub (figures 1-2 item 16, wireless hub, further par. 15) in direct wireless communication with a global position device (figures 1-2 item 43, further par. 17), a subsystem indicator (figures 1-2, items 21-29, further par. 17), and a portable computer mobile with respect to the vehicle (par. 27, i.e. handheld barcode readers read on a portable computer that is mobile with respect to the vehicle, since as explained in par. 27 they can be used by the driver to scan cargo as they are

loaded or unloaded allowing for automatic updating of the manifest. Par. 18-19 explains how the monitored data is stored in the HUB 16 and can later be uploaded to a destination via the long range system. Par. 27 explains the information can be sent via the long range connection to the fixed wireless LAN 54 when the vehicles wireless LAN 1 is out of range of the wireless LAN 54. This long range connection is explained in par. 25 as the situation when the wireless LAN 1, of the vehicle, is coupled to the satellite communicator to allow for long range connection. Thus, it is clear that the data from the handheld device is sent to the wireless LAN 1 of the vehicle, and then transmitted to the LAN 54 which means that the handheld device is in wireless communication with the HUB 16, since the HUB 16 is coupled to the wireless LAN 1), the hub being in permanent wireless communication via a cellular telephone tower with the private network (par. 25, i.e. if the wireless LAN of the vehicle (i.e. LAN 1) is out of range of the fixed wireless LAN 54, the wireless LAN 1 is connected to the satellite communicator 30 which is a long range device such as a cellular connection and connected to the remote wireless LAN 54), the hub communicating information from the position determination device (par. 25, i.e. when the vehicle is out of range of direct communication between the wireless LAN 1 and the fixed wireless LAN the data can be transmitted on the long haul system to the fixed wireless LAN (i.e. remote private network), the data can be vehicle location at any given time. Further the beginning of par. 25 explains the GPS receiver of the vehicle determines the vehicles position and thus the information from the GPS is communicated to the private network), the subsystem indicator (par. 25, i.e. when the vehicle is out of range of direct communication between the wireless LAN 1

and the fixed wireless LAN the data can be transmitted on the long haul system to the fixed wireless LAN (i.e. remote private network), the data can be cargo data or vehicle data, which as explained in par. 17, this data comes from the wireless sensors, and thus from the subsystem indicator. Therefore, data from the subsystem indicator is communicated to the remote private network), and the portable computer to the private network (par. 27, i.e. handheld barcode readers can be used by the driver to scan cargo as they are loaded or unloaded allowing for automatic updating of the manifest. Par. 18-19 explains how the monitored data is stored in the HUB 16 and can later be uploaded to a destination via the long range system. Par. 27 explains the information can be sent via the long range connection to the fixed wireless LAN 54 when the vehicles wireless LAN 1 is out of range of the wireless LAN 54. This long range connection is explained in par. 25 as the situation when the wireless LAN 1, of the vehicle, is coupled to the satellite communicator to allow for long range connection. Thus, it is clear that the data from the handheld device (i.e. portable computer) is communicated to the LAN 54 (i.e. remote private network)).

However, Zarlengo does not teach the idea wherein the portable computer is operable to communicate with the network solely via the hub when the portable computer is at a location apart from the service vehicle. (i.e. although Zarlengo does teach that when the remote wireless LAN 54 is out of range the handheld device communicates with it solely through the wireless LAN 1 of the vehicle, he does not specify how it communicates if the wireless LAN 54 is within range, and thus does not

specifically disclose communicating with the network solely via the hub when the portable computer is at a location apart from the service vehicle)

Koenck teaches the idea of portable devices which communicate by low power transceivers. (abstract). He teaches the idea of a portable terminal that can be carried by a user and transmit data that is entered to a communication device mounted in a vehicle (i.e. a hub). This data can then be communicated to a host computer (i.e. remote computer) from the communication device. (column 13 lines 44-column 14 lines 3, further see figures 4, 7, 18, and 19) Therefore, this clearly reads on a mobile communication device, which is mobile with respect to the vehicle (i.e. since the user can take the device door to door), and it can solely communicate with the remote network via the hub when at a location apart from the vehicle (i.e. when the user is at the door the portable device transmits the data to the station in the vehicle, which can then transmit the data to the remote network). This can further be understood in column 4 lines 38-61 which explains how the low power devices (i.e. portable device) can transmit the data short distances (i.e. from the portable device to the communication device in the vehicle), and then the communication device in the vehicle is a dual transceiver device that also has a high power transceiver to transmit the data received from the low power device a remote device far away (i.e. from the communication device in the car to the remote network).

Therefore it would have been obvious for one of ordinary skill in the art at the time of invention to utilize the teachings of Koenck with the teachings as in Zarlengo. The motivation for doing so would have been to allow for an improvement in efficiency

and overall cost of hand held data collection devices (Koenck column 3 lines 15-20).

However, Zarlengo and Koenck do not specifically teach the idea of directing the service vehicle to a subsequent service call based on information received by the remote private network from the hub.

Saunders teaches the central computer provides directions to the vehicle to a subsequent destination and traffic data to the vehicle in response to a request, thus reading on "directing the service vehicle to a subsequent service call based on information received by the remote private network from the hub " (col. 3, ln. 24-33; col. 4, ln. 1-9). He further teaches the idea of a remote private network in figure 1, which can be understood as the network 14 which connects to the complex 18. The complex has all the service modules used by the system to deliver enhanced services to the communications device 12, which is associated with a vehicle. This is clearly understood as a remote private network since it is remote from the communication device and it clearly cannot be utilized by the general public, thus making it private.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Saunders into the teachings of Zarlengo and Koenck in order to provides an integrated and efficient technique to deliver a variety of voice and enhanced services to customers.

Regarding claim 43. Zarlengo further teaches the subsystem indicator indicates the condition of an ignition of the service vehicle (par. 16, i.e. engine data can be read on condition of an ignition, since the engine data can tell whether the vehicle is on or not).

Regarding claim 44. Zarlengo does not specifically teach that the subsystem indicator indicates the condition of an odometer of the vehicle. However, Zarlengo teaches that the subsystem indicator indicates the condition of the engine, doors, tires, etc (par. 16). The examiner takes official notice that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Zarlengo, so that the subsystem can provide information regarding the condition of the odometer in order to keep track how far the vehicle had traveled.

Regarding claim 45. Zarlengo further teaches the idea wherein the Hub communicates with the remote private network at least in part according to CPDP protocol in par. 25.

Regarding claim 46. Zarlengo does not specifically disclose the use of GPRA protocol. However, this protocol is well known in the wireless art. Therefore, the examiner takes official notice that it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the GPRS protocol to allow for a well known and widely used standard to be used.

Regarding claim 47.

Regarding claims 48-49. Zarlengo does not specifically teach the use of IEEE-802.11 (wireless LAN protocol) and bluetooth (wireless data transmission) protocols, however, these protocols are well known in the wireless art. Therefore, the examiner takes official notice that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Zarlengo teachings, so that it can be used with IEEE-802.11 (wireless LAN protocol) and bluetooth (wireless data transmission)

protocols in order to utilize a very well know and common short range wireless LAN protocol of communication.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL T. THIER whose telephone number is (571)272-2832. The examiner can normally be reached on Monday thru Friday 7:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Edouard can be reached on (571) 272-7603. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Patrick N. Edouard/
Supervisory Patent Examiner, Art Unit 2617

/MICHAEL T THIER/
Examiner, Art Unit 2617
3/1/2010